

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VICTOR H. DURAN-GAMBOA,

Petitioner,

v.

**CASE NO. 2:13-CV-1162
CRIM. NO. 2:12-CR-74(2)
JUDGE JAMES L. GRAHAM
MAGISTRATE JUDGE ABEL**

UNITED STATES OF AMERICA,

Respondent.

ORDER

On January 29, 2015, Petitioner Victor H. Duran-Gamboa filed a motion to withdraw his motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255.

Petitioner's motion, ECF 176, is **GRANTED**. The Magistrate Judge's *Report and Recommendation* recommending dismissal of this case, ECF 142, is **ADOPTED** and **AFFIRMED**.

The motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, ECF 141, is hereby **DISMISSED**.

IT IS SO ORDERED.

Date: February 2, 2015

s/James L. Graham
JAMES L. GRAHAM
United States District Judge